IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

			22386 U.S.					
	application of:	Drian Anglication Information						
•	K. Michelson, M.D.	Prior Application Information:						
	al No: (Cont. of 09/772,309)	Group Art Unit: 3738						
For:	: September 23, 2003 EXPANDABLE PUSH-IN ARCUATE INTERBODY SPINAL FUSION IMPLANT WITH TAPERED CONFIGURATION DURING INSERTION	. Examiner: T. Barrett						
Con P.O.	PATENT APPLICATION nmissioner for Patents . Box 1450 kandria, VA 22313-1450	,						
Dear	Sir:							
	CONTINUING APPL	ICATION TRANSMITTAL						
	smitted herewith for filing is a \boxtimes Continuation \square IR. § 1.53(b) of prior patent application No. 09/772,	Divisional ☐Continuation-In-Part application under 37 309, filed January 29, 2001.						
	Applicant claims small entity status under 37 C.F.R. §§ 1.9 and 1.27.							
	46 total application pages including specification, enclosed.	, claims (96 total and 1 independent), and abstract are						
	A newly executed Declaration and Power of Attorney is enclosed will follow.							
\boxtimes	A copy of the Declaration and Power of Attorney	A copy of the Declaration and Power of Attorney from the prior application is enclosed.						
	The entire disclosure of the prior application, fror considered a part of the disclosure of the accompared by reference. The incorporated by reference inadvertently omitted from the submitted approximately.	panying continuation or divisional application and is ation can only be relied upon when a portion has						
\boxtimes	14 sheets of formal drawings (A4 paper; Figs. 1-23) are enclosed.							
	The prior application is assigned of record to:							
	The power of attorney in the prior application is to at least one of the following: MARTIN & FERRARO, LLP; Thomas H. Martin, Reg. No. 34,383; Amedeo F. Ferraro, Reg. No. 37,129; and Todd M. Martin, Reg. No. 42,844.							
	The power appears in the original	Declaration of the prior application.						
	Since the power does not appear in the prior application is enclosed.	n the original Declaration, a copy of the power						
	A certified copy of Patent Application No § 119 is enclosed.	filed from which priority is claimed under 35 U.S.	.C.					
\square	Information Disclosure Statement (IDS) and Form Amend the specification by rewriting paragraph 1							

--This is a
continuation divisional of application Serial No. ______, filed ____, and claims benefit of U.S. Provisional application No. _____, filed ____, all

of which are incorporated herein by reference .--.

Cancel Claims
An Amendment is enclosed.

		C	ALCULAT	ION OF FEES				
ITEM		TOTAL NO. OF CLAIMS		NO. OF CLAIMS OVER BASE	LG/SM \$ ENTITY FEE		\$ AMOUNT	\$ FEE
Α	TOTAL CLAIMS FEE	96	-20	76	LG=\$18 SM=\$9	\$18	1,368	
В	INDEPENDENT CLAIMS FEE*	1	-3	0	LG=\$84 SM=\$42	\$84	0	
С	SUBTOTAL - ADDITIONAL CLAIMS FEE (ADD FINAL COLUMN IN LINES A + B)							\$ 1,368.
D	MULTIPLE-DEPENDENT CLAIMS FEE LARGE ENTITY FEE = \$280 SMALL ENTITY FEE = \$140							\$ 0
E	BASIC FEE LARGE ENTITY FEE = \$750 SMALL ENTITY FEE = \$375							\$ 750.
F	TOTAL FILING FEE (ADD TOTALS FOR LINES C, D, AND E)						\$ 2,118.	

- A fee in the amount of \$2,118.00 (filing fee) is to be charged to Deposit Account No. 50-1066.

Customer No. 22882

Martin & Ferraro, LLP

1557 Lake O'Pines Street, NE

Hartville, Ohio 44632

Telephone: (330) 877-0700 Facsimile: (330) 877-2030

- The Commissioner is hereby authorized to charge any deficiency for the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. A copy of this sheet is enclosed.
 - Any additional filing fees required under 37 C.F.R. § 1.16
 - Any patent application processing fees under 37 C.F.R. § 1.17

<u>PETITION FOR EXTENSION</u>. If any extension of time is necessary for the filing of this application, including any extension in the parent application, Serial No. 09/772,309, filed January 29, 2001, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 50-1066. A duplicate copy of this paper is enclosed for use in charging the deposit account.

Respectfully submitted,
MARTIN & FERRARO LLP

Date: September 23, 2003

1557 Lake O'Pines Street, NE

Hartville, Ohio 44632 Telephone: 330-877-0700 Facsimile: 330-877-2030 Thomas H. Martin Registration No. 34,383

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Gary K. Michelson, M.D.)	
Serial No.: (Cont. of 09/772,309))	(Group Art Unit: 3738
Filed: September 23, 2003)	(Examiner: T. Barrett)
For: EXPANDABLE PUSH-IN ARCUATE)	,
INTERBODY SPINAL FUSION IMPLANT)	
WITH TAPERED CONFIGURATION)	
DURING INSERTION	j	

MS PATENT APPLICATION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

Express Mail Mailing Label No. ET692326223US
Date of Deposit: September 23, 2003

I hereby certify that:

- 1. Rule 1.53(b) Continuing Application Transmittal Form (in duplicate; \$2,118.00 filing fee charged to Deposit Account No. 50-1066)
- 2. 46 total application pages including specification, claims (96 total and 1 independent), and abstract
- 3. Copy of Declaration and Power of Attorney from prior application
- 4. 14 sheets of formal drawings (A4 paper; Figs. 1-23)
- 5. Information Disclosure Statement with Form PTO-1449.
- 6. Self-addressed return postcard receipt

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

MS PATENT APPLICATION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Date: September 23, 2003

Sandra I Blackmon

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